

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ED BUTOWSKY, Plaintiff,	§ § § § § § §	Civil Action No. 4:18CV442 Judge Mazzant/Magistrate Judge Craven
V. DAVID FOLKENFLIK, ET AL., Defendants.		

ORDER SETTING HEARING JULY 7, 2020 AND
ADVISING OF RULING ON MOTIONS TO COMPEL WITHOUT HEARING

The above-referenced cause of action was referred to the undersigned United States Magistrate Judge for pretrial purposes in accordance with 28 U.S.C. § 636. The following pending motion is before the Court:

Defendants’ Unopposed Request for Hearing (Docket Entry # 129).

The Court, having carefully considered the request and noting it is unopposed, is of the opinion the motion should be **GRANTED IN PART and DENIED IN PART** as set forth herein.

Pending before the Court are the following fully briefed motions in this case: (1) Defendants’ Motion to Compel Discovery Pursuant to Fed. R. Civ. P. 37 (Docket Entry # 85); (2) Defendants’ Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel (Docket Entry # 96); and (3) Plaintiff’s Motion for Leave to File Third Amended Complaint (Docket Entry # 98). “Due to the important and interrelated issues raised in those briefs, and the substantial evidentiary record involved, Defendants believe oral argument would be useful and therefore request that the Court set the Pending Motions for hearing.” Docket Entry # 129 at p. 1. According to Defendants’ unopposed request for hearing, Plaintiff does not oppose Defendants’ request for

hearing, and the “parties welcome a telephonic hearing if the Court deems such a hearing appropriate.” *Id.*

The Court has reviewed the briefing filed with the Court regarding Defendants’ Motion to Compel Discovery Pursuant to Fed. R. Civ. P. 37 (Docket Entry # 85) and is of the opinion a hearing is not necessary.¹ The Court advises the parties it intends to rely solely on the briefing and will rule on all three discovery motions as soon as practicable, hopefully by the week of June 8, 2020.

However, the Court agrees a hearing would be helpful to the resolution of Defendants’ Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel (Docket Entry # 96) and Plaintiff’s Motion for Leave to File Third Amended Complaint (Docket Entry # 98). Rather than use a telephonic or video proceeding, the Court believes the motions should be set for an in-person hearing in Texarkana on July 7, 2020.

At the hearing, Plaintiff and Defendants are each limited to 1.0 hour total in which to present oral argument. This includes presentation of the motions and any responses or replies thereto. To the extent they have not already done so, the parties shall forward to the Court a courtesy copy of the following briefs, including attachments. (Docket Entry #s 96, 98, 105, 110, 114, 118, 122, and 125). Accordingly, it is

ORDERED that Defendants’ Unopposed Request for Hearing (Docket Entry # 129) is **GRANTED IN PART and DENIED IN PART**. It is further

ORDERED that Defendants’ Motion for Sanctions Pursuant to Rule 11 for Violations

¹ The Court notes two additional motions to compel have been referred to the undersigned for consideration (both of which were originally filed in the Northern District of Texas on January 16, 2020 and January 24, 2020, respectively, and were subsequently transferred to the Eastern District of Texas): (1) Motion to Compel Chapwood filed on March 16, 2020 in Case No. 4:20-mc-361; and (2) Motion to Compel Kim Sams filed on March 27, 2020 in Case No. 4:20-mc-38.

Committed by Plaintiff and His Counsel (Docket Entry # 96) and Plaintiff's Motion for Leave to File Third Amended Complaint (Docket Entry # 98) are scheduled for hearing before the undersigned at **10:30 a.m** on July 7, 2020 at the United States District Court, 500 N. Stateline, Fourth Floor Courtroom, **Texarkana, Texas**.

SIGNED this 3rd day of June, 2020.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE